

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:15CR525 RLW
)	
ORTEGA MITCHELL,)	
)	
Defendant.)	

ORDER

This matter is before the Court on Defendant's Motion to Dismiss Count I and Count II of the Indictment (ECF No. 99). United States Magistrate Judge David D. Noce filed a Report and Recommendation on August 12, 2016 (ECF No. 107). Neither party submitted objections to the Report and Recommendation within the fourteen (14) day time period allowed.

Magistrate Judge Noce recommends that the Court deny Defendant's motion. After *de novo* review of the entire record in this matter, the Court adopts the Magistrate Judge's recommendation.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge (ECF No. 107) is **SUSTAINED, ADOPTED, AND INCORPORATED** herein.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss Count I and Count II of the Indictment (ECF No. 99) is **DENIED, without prejudice**.

Dated this 13th day of September, 2016.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE